IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2180 OF 2007

Harichandra Baban Jadhav. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Parvez Ubhary for the applicant.

Ms.S.D.Shinde, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 9th October 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant is seeking bail in connection with CR.No.7/2007 registered with Wada Police Station, district- Thane for the offences punishable under sections 395, 396, 452, 342 read with section 34 of Indian Penal Code and section 27 of the Arms Act.

3. The only consideration for grant of bail is that the bamboo stick, recovered from the present applicant marked Exh.35, was sent for DNA test to the report of the Forensic Science Laboratory. The prosecution has filed further affidavit dated 5th October, 2007; wherein it is stated that no DNA was

recovered from bamboo stick (Exh.35), though the case of the prosecution was that the said bamboo stick, recovered from the applicant, had blood stains. The DNA analysis report is produced on record along with said affidavit. Considering the DNA analysis report, in my view, the applicant would be entitled to bail.

4. At this stage, I place on record that learned counsel appearing for the applicant tried to press in to service other circumstances to seek bail. However, none of those circumstances impressed me to grant bail except mentioned hereinabove.

5. In the above circumstances, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with CR.No.7/2007 registered with Wada Police Station, Thane shall be enlarged on bail in the sum of Rs.35,000/- with one or two sureties to make up the said amount.

(b) The applicant shall report to the concerned Police Station twice a week, i.e. on every Monday and Friday between 3.00 to 5.00 p.m. till conclusion of the trial. He shall co-operate with the investigating agency

for disposal of the case.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. Application stands disposed of accordingly.

JUDGE